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CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF)	
)	Administrative Action
TEODORO C. BRIONES, D.D.S.)	
LICENSE NO. DI 18104)	ORDER MODIFYING
)	FINAL ORDER
)	OF DISCIPLINE
TO PRACTICE DENTISTRY)	
IN THE STATE OF NEW JERSEY)	
)	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon a motion for reconsideration of the Final Order of Discipline entered on October 18, 1999. That order sanctioned Teodoro C. Briones, D.D.S. ("respondent"), for violation of N.J.S.A. 45:1-21(b) based on his response to a question on his license renewal application. Respondent, who had been admitted to but had not yet completed the pretrial intervention program, did not disclose the underlying arrest.

On December 6, 1999, respondent, through his counsel, Andrey Zielyk, Esq., filed a Notice of Appeal in the Superior Court of New

Jersey, Appellate Division, from the Final Order and moved for a limited remand to the Board to enable respondent to file a motion for reconsideration. The Appellate Division, by order dated January 18, 2000, granted that motion and directed that the matter be concluded by the Board within 60 days.

Respondent's motion for reconsideration is predicated on an expansion of the information previously provided to the Board. Respondent argues that he was not well represented by previous counsel in responding to the Provisional Order of Discipline and asks that the Board consider the more detailed certification explaining his reasons for failing to disclose the arrest. He cites to specific conversations he had with his former counsel as well as his conversation with personnel associated with the pre-trial intervention program which led him to believe that his participation in the pretrial intervention program permitted him to answer in the negative the question relating to arrests. He states that he had no intent to mislead the Board and asks that the penalty imposed be modified.

The Board has reviewed respondent's moving papers and is now persuaded that he did not deliberately mislead the Board in connection with his renewal application. Respondent relied upon information provided by his criminal defense counsel and misunderstood the implications of the Order of Postponement entered in the criminal proceedings. Notwithstanding the reasonableness of that reliance, the Board notes that complete and truthful responses to all questions on biennial registration renewal applications are

essential to the Board's ability to discharge its statutory duty to administer the Dental Practice Act and to protect the public health, safety, and welfare. In light of the above, the Board has determined that it is appropriate and in the public interest to modify it's prior order of discipline.

ACCORDINGLY, IT IS ON THIS 28th DAY OF MARCH, 2000,

ORDERED that the Final Order of Discipline entered on October 18, 1999, is modified as follows:

1. The license of Teodoro C. Briones, D.D.S., shall be suspended for a period of two years, six months of which shall be served as an active suspension and the remaining eighteen months shall be served as a period of probation. The suspension shall run from November 7, 1999 through May 6, 2000. During the period of active suspension, respondent shall comply with the directives regarding suspended or revoked licensees which are attached to and made a part of this order. The Board may, for good cause shown, reduce the period of active suspension imposed by this order on the application of respondent.

2. In addition to and notwithstanding the period of active suspension set forth in paragraph 2 above, respondent's license shall continue to be suspended and shall not be renewed unless and until he complies fully with the terms of this Order.

3. The civil penalty imposed by the Board's order October 18, 1999, shall be reduced to \$1,000. Respondent shall within 30 days of the entry of this order, make payment by certified check or money order, payable to the State of New Jersey and forward the

payment to Agnes M. Clarke, Executive Director, Board of Dentistry, P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark, New Jersey 07101.

4. Respondent shall, within 30 days of the entry of a final order of discipline in this matter, pay costs of investigation in the amount of \$ 1,954.13. Payment shall be made by certified check or money order, payable to the State of New Jersey and forwarded to Agnes M. Clarke, Executive Director, Board of Dentistry, at the address set forth in paragraph 3 above.

5. Prior to resuming active practice, respondent, at his expense, shall submit to a comprehensive psychological evaluation by a Board approved psychiatrist or psychologist. Respondent shall cause the report of the examination to be forwarded to the Board for its consideration. The Board may, in its sole discretion, determine that respondent shall appear before the Board in connection with his application to resume practice.

New Jersey Board of Dentistry

By: 

Henry Finger, D.D.S.
President

**DIRECTIVE REGARDING FUTURE ACTIVITIES
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

- 1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

- 2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.